

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST by and through MARIELLE SHAVONNE SMITH and CHARIS HUMPHREY on behalf of its members; SHAKETA REDDEN; DORETHEA FRANKLIN; TANIQUA SIMMONS; DE'JON HALL; JOSEPH BONDS; CHARLES PALMER; SHIRLEY SARMIENTO; EBONY YELDON; and JANE DOE, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

v.

Civil No.: 1:18-cv-00719-CCR

CITY OF BUFFALO, NY; BYRON B. BROWN, Mayor of the City of Buffalo, in his individual and official capacities; BYRON C. LOCKWOOD, Commissioner of the Buffalo Police Department, in his individual and official capacities; DANIEL DERENDA, former Commissioner of the Buffalo Police Department, in his individual capacity; AARON YOUNG, KEVIN BRINKWORTH, PHILIP SERAFINI, ROBBIN THOMAS, UNKNOWN SUPERVISORY PERSONNEL 1-10, UNKNOWN OFFICERS 1-20, each officers of the Buffalo Police Department, in their individual capacities.

Defendants.

**STIPULATED MOTION FOR ADJOURNMENT
OF DEADLINES IN CASE MANAGEMENT ORDER**

The Parties respectfully move to extend and adjourn all deadlines in the Case Management Order consistent with the schedule proposed below:

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Deadline	Current Date	Modified Date
Completion of fact discovery	December 6, 2022	March 31, 2023
Motions to compel discovery	December 6, 2022	March 31, 2023
Class certification motion	December 16, 2022	April 26, 2023
Service of initial expert reports	February 1, 2023	May 10, 2023
Service of Rebuttal expert reports	March 3, 2023	June 9, 2023
Completion of all expert discovery	March 30, 2023	July 7, 2023
Dispositive Motions	April 21, 2023	July 31, 2023

In support of this motion, the Parties state:

1. Under the present schedule, the deadline for completion of fact discovery and any accompanying motion to compel is December 6, 2022. The Court has set additional deadlines, leading to a dispositive motion deadline of April 21, 2023.

2. The parties continue to proceed with depositions. Over the past month, depositions of Patrick Roberts and Defendant Aaron Young have been completed.

3. Plaintiffs have completed a substantial portion of their document production and Plaintiffs' depositions will begin to proceed during the week of November 21, 2022. Four named Plaintiffs will be deposed on November 21 and 22, and the parties are continuing to schedule remaining Plaintiff depositions, including a 30(b)(6) deposition of the Corporate Plaintiff, Black Love Resists in the Rust.

4. Of the twenty initial depositions afforded to Plaintiffs by the Court's discovery management order, six remain to be completed. Depositions of the following

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Defendants or City of Buffalo affiliated witnesses are left to be completed: Byron Lockwood, Byron Brown, Harold McClellan, Robert Rosenswie, Joseph Gramaglia, and a 30(b)(6) deposition.

5. Plaintiffs also have indicated that they will move for leave to depose additional witnesses. Defendants anticipate opposing the motion, and thus this motion will require Court adjudication, which provides further cause to adjourn the current fact discovery deadline.

6. A high volume of witnesses still need to be deposed, and the coordination of schedules between attorneys and witnesses across different cities can make scheduling a challenge. Accordingly, good cause exists to adjourn the deadline to complete fact discovery, particularly given the diligent efforts of the parties to schedule and complete as many depositions as possible over the past few months.

7. In addition two key members of Plaintiffs' attorney team have trials in other matters in December and January, which will reduce Plaintiffs' capacity through February.

8. The parties have made good faith efforts to move discovery and depositions along in an expeditious manner and have made good progress. The parties will continue to do so in order to complete discovery by the newly proposed deadline to complete fact discovery.

9. Accordingly, the Parties respectfully request the modifications set forth above. Most of the deadlines are requested to be adjourned by less than four months. The

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parties request a slightly longer adjournment (about four months) for the deadline to file a class certification motion. Given the size of the evidentiary record, the parties foresee needing a little more time after the close of fact discovery to prepare and file the class certification motion.

10. The parties thank the Court in advance for its consideration of this request.

Dated: Buffalo, New York
November 15, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2022 was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Western District's Local Rules, and/or the Western District's Case Filing Rules & Instructions upon all counsel registered through the ECF System.

/s/ Peter Sahasrabudhe